

Hon. Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHONG HWA LIM A/K/A JONG WHA  
RIM,

Defendant.

NO. CR15-396-RAJ

GOVERNMENT'S SENTENCING  
MEMORANDUM

The United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Rebecca S. Cohen, Assistant United States Attorney for said District, respectfully submits this memorandum regarding the sentencing of Chong Hwa Lim a/k/a Jong Wha Rim scheduled for March 18, 2016.

**SENTENCING RECOMMENDATION**

For the reasons set forth below, the Government recommends a total sentence of fifty-four months: thirty months for Counts 1-4 (to run concurrent to each other), in addition to twenty-four months for Count 5, to run consecutive to the term of imprisonment imposed for Counts 1-4. The Court should also impose \$49,815.00 in restitution to the Internal Revenue Service (IRS).

**BACKGROUND**

Chong Hwa Lim is a citizen and national of the Republic of Korea who was previously deported from the United States in 1995 and was living in the United States without legal status at the time of his arrest. Lim has two prior criminal convictions in the United States – a 1995 conviction in the Western District of Washington for Making a False Statement to a United States Customs Service Officer at a United States border crossing; and a 1995 conviction in the Western District of New York for Alien Smuggling. Due to his prior felony convictions and his immigration status, Defendant is not authorized to possess firearms in the United States.

In addition to “Chong Hwa Lim” (Defendant’s listed name in the United States) and “Jong Wha Rim” (his listed name in Korea), Defendant has used a number of aliases while living in the United States. One such alias is “Jay Min Go,” the name used by Defendant in December of 2014 when he applied for a Washington State driver’s license using a forged or fraudulent Republic of Korea passport under that name.

Lim was a co-conspirator in a conspiracy to commit wire fraud. More specifically, the members of the conspiracy filed false tax returns with the IRS for tax year 2010 requesting refunds in the names of other individuals, including in the names of real people who had not authorized the use of their names and identifying information. The false returns requested tax refunds to which the taxpayers listed on the forms were not entitled, some of which were ultimately paid by the IRS and some of which were blocked because the IRS identified them as fraudulent. The actual loss attributable to the conspiracy was not less than \$49,815.00 paid out on 47 tax returns, and the intended loss was not less than \$457,237.00. The conspiracy was discovered by law enforcement after the execution of a search warrant at Lim’s apartment in April 2015 during the course of a bank fraud investigation that uncovered, among many other things, high-end device making equipment; police equipment; counterfeit identifications, credit cards and immigration documents; hundreds of new Social Security cards; a loaded .380 Beretta handgun; an unloaded Mossberg 500 12-gauge shotgun; and a binder containing names,

1 social security numbers, and other identifying information for taxpayers (real and fake)  
2 used by the conspirators when filing fraudulent tax returns.

### 3 **THE CURRENT CHARGES AND PLEA AGREEMENT**

4 Defendant was arrested on April 14, 2015, and charged in the King County  
5 Superior Court with Unlawful Possession of a Firearm in the Second Degree, two counts  
6 of Theft in the First Degree, and Forgery. The King County charges were subsequently  
7 dismissed as a result of this federal prosecution.

8 On December 18, 2015, a five count Information was filed charging Lim with one  
9 count of Illegal Reentry After Deportation in violation of 8 U.S.C. § 1326(a), one count  
10 of Forgery and False Use of a Passport in violation of 18 U.S.C. § 1543, one count of  
11 Felon in Possession of a Firearm in violation of 18 U.S.C. § 922(g)(1), one count of  
12 Conspiracy to Commit Wire Fraud in violation of 18 U.S.C. § 1349, and one count of  
13 Aggravated Identity Theft in violation of 18 U.S.C. § 1028A. Dkt. No. 16. On  
14 December 22, 2015, Lim pleaded guilty to the charges in the Information and waived  
15 indictment. Dkt. No. 20. In exchange for his guilty plea, the Government agreed to  
16 recommend a total sentence of no more than fifty-four (54) months, inclusive of the  
17 mandatory two-year consecutive term for Count 5 (Aggravated Identity Theft). The plea  
18 agreement contains a waiver of appeal. *Id.*

### 19 **SENTENCING GUIDELINES**

20 The government agrees with the offense-level calculations set forth in the  
21 Presentence Investigation Report, and agrees that with a total offense level of 21 for  
22 Counts 1-4 and a Criminal History Category of I, Lim's advisory Guidelines range is 37-  
23 46 months for Counts 1-4. Count 5 carries a mandatory twenty-four month term of  
24 imprisonment, which must run consecutive to the sentence imposed for Count 4.

### 25 **18 U.S.C. § 3553 ANALYSIS**

26 A total sentence of fifty-four (54) months of imprisonment is sufficient, but not  
27 greater than necessary, to achieve the objectives outlined in Title 18, United States Code,  
28 Section 3553(a).

1 First, the recommended prison term is warranted given the seriousness of the  
2 offense, to promote respect for the law, and the need to provide just punishment. The  
3 items found in Defendant's apartment demonstrate that the Government does not know  
4 the full extent of the Defendant's crimes, and likely never will. And putting aside the full  
5 scope of his conduct, just the five counts under consideration here represent a wide breath  
6 of criminal activity and behavior. Not only did Lim participate in a conspiracy to commit  
7 wire fraud by attempting to defraud the United States of hundreds of thousands of dollars,  
8 the conspiracy also used the identities of real people when submitting fraudulent tax  
9 returns, causing harm to those individuals as well. In addition, Lim illegally reentered  
10 the United States after being previously deported, illegally possessed firearms, and used a  
11 forged or fraudulent passport when applying for a Washington State driver's license.  
12 Given the breadth and seriousness of his conduct, the Government respectfully submits  
13 that the recommended term here is needed to provide appropriate and just punishment.

14 Second, the Government's recommendation reflects Lim's criminal history,  
15 including the fact that he was previously deported after a conviction for Alien Smuggling,  
16 and provides deterrence to prevent Lim from engaging in the same or similar conduct in  
17 the future. Notably, the conduct underlying Lim's 1995 Alien Smuggling condition  
18 involved the use of altered immigration documents, and that conviction and the sentence  
19 imposed as a result thereof obviously did not deter Lim from engaging in similar conduct  
20 again.

21 Finally, the government's recommendation takes into account the mitigating  
22 factors working in Lim's favor; specifically, Lim's willingness to accept responsibility  
23 for his actions at an early stage in the proceedings and his poor health.  
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**WAIVER OF APPEAL**

As previously noted and detailed in Paragraph 17 of the Plea Agreement, should Lim receive a sentence within or below the Guidelines range as calculated by the Court, he waives his appeal rights to the maximum extent permitted by law. Should the Court impose such a sentence, the government requests that Lim be advised of this waiver.

**CONCLUSION**

For the foregoing reasons, the Government requests the Court to sentence Lim to a total sentence of fifty-four months, including thirty months for Counts 1-4 (to run concurrent to each other), and twenty-four months for Count 5, to run consecutive to the term of imprisonment imposed for Counts 1-4. The Government concurs with Probation that no term of supervision is necessary because Lim will be deported from the United States upon his release from imprisonment. Finally, the Government asks the Court to order \$49,815.00 in restitution to the Internal Revenue Service.

DATED this 11th day of March, 2016.

Respectfully submitted,

ANNETTE L. HAYES  
United States Attorney

/s/ Rebecca S. Cohen

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 11, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

/s/ Rebecca S. Cohen

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